IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10877 of 2007(T)

OP.96/2005 of DISTRICT COURT, THALASSERY

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PETITIONER:

P.K.MANOHARAN, AGED 49 YEARS,
S/O P.V.BALAKRISHNAN NAIR,
REJESWARI BHAVAN, AZHIKODE,
KANNUR.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU
SMT.C.S.RAJANI

RESPONDENTS:

1. P.K.KAMALA, TAJMAHAL HOUSE,
   CHIRAKKAL AMSOM, AZHIKODE,
   CHIRAKKAL P.O.

2. P.K.KRISHNAKUMARI, 12/A CANTONMENT,
   NEAR GOVT. GUEST HOUSE, KANNUR - 1.

3. P.K.SREELATHA, 12 CANTONMENT, DO. DO.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 10877 of 2007 T

JUDGMENT

The petitioner and the respondents are the partners of three partnership firms. Respondents 2 and 3 are the sisters of the petitioner and the first respondent is their mother. The petitioner was the Managing Partner of the firms. There arose dispute between the partners and it is submitted that as per the arbitration clause in the partnership deed, retired Justice Sri.C.S.Rajan was appointed as the sole Arbitrator, when the matter went up to the Supreme Court, as the parties could not agree till then in appointing any person as an agreed Arbitrator. It is further submitted that on application of the respondents to appoint a Receiver, the petitioner himself was appointed as the Receiver and he is now managing all the firms in his capacity as the Receiver. But, while so, the respondents filed Exhibit P1 petition in O.P.

(Ar.)No.96/05 and similar petitions in O.P.(Ar.) Nos.94/05 and 95/05 before the District Court, Thalassery seeking for an order removing the petitioner from Receivership and to appoint another person as the Receiver; that counter has been filed by the petitioner objecting to the same; that orders have been passed by the District Judge,Thalassery allowing the petitions filed by the respondents removing the petitioner from Receivership on 23.3.2007 and that the case stands posted to tomorrow, viz., 29.3.2007, to appoint a new Receiver.

2. Counsel for the petitioner submits that carbon copies of the orders passed in all the original petitions, on similar applications, removing the petitioner from Receivership, have been applied for on 24.3.2007 vide Application Nos.688/07, 685/07 and 686/07, but that, carbon copies are not issued till today and that the petitioner would be put to much hardship if anyone else is appointed as the Receiver without affording

him an opportunity to challenge the tenability of the orders of the court below.

In the circumstances, I dispose of this writ petition directing the District Judge, Thalassery to issue carbon copies of the orders applied for vide Application Nos.688/07, 685/07 and 686/07 positively within one week from today. It is further directed that no order appointing any new Receiver shall be passed before 9.4.2007. The petitioner shall produce a copy of this judgment before the District Judge, Thalassery positively on or before 2.4.2007, so as to enable him to comply with the aforesaid directions. Issue copy of this judgment to the counsel for the petitioner on application as per Rules as expeditiously as possible.

28th March, 2007 (K.P.Balachandran, Judge)

tkv